

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11492-REK

MARIO LACY,
Plaintiff,

v.

CITY OF BOSTON, WILLIAM
FEENEY, KENNETH HEARNS and
MARC ACLOQUE,
Defendants.

**DEFENDANT ACLOQUE'S ASSENTED-TO MOTION TO ENLARGE TIME TO FILE
RESPONSIVE PLEADINGS PURSUANT TO FED.R.CIV.P. 6(B).**

NOW COMES Defendant Jean Moses Acloque¹ who respectfully moves this Honorable Court pursuant to Fed.R.Civ.P. 6(b) for an extension of time to November 30, 2005, to file his responsive pleading.

As grounds for his motion, he states that:

1. The Plaintiff filed an *Amended Complaint* on October 19, 2005, adding Defendant Acloque as a party to the above-entitled action;
2. Defendant Acloque was served with the *Amended Complaint* on October 27, 2005, and thereafter requested representation from the City of Boston through the Commissioner of the Boston Police Department;
3. Undersigned counsel (currently representing the original defendants) expects to represent Defendant Acloque as well, and was informed on November 17, 2005, by the

¹ Although the *Amended Complaint* names "Marc Acloque," Jean Moses Acloque concedes that this is an error and that he is the individual referenced in the *Amended Complaint*.

Office of the Legal Adviser to the Boston Police Department that an appointment is to be expected within a matter of days;

4. Following the completion of the appointment process, undersigned counsel will require time to meet with Defendant Acloque to prepare his responsive pleading;
5. Counsel for the Plaintiff has kindly assented to this request for an extension until November 30, 2005 to file Acloque's responsive pleading (see Rule 7.1 certification, included below); and,
6. Allowing this motion will not prejudice any party to the action and permitting the extension to file responsive pleadings to Plaintiff's *Amended Complaint* will further the interests of justice.

WHEREFORE, Defendant Acloque respectfully requests that this Honorable Court allow his motion to extend time to file his responsive pleading, and set the date for filing of responsive pleadings on or before November 30, 2005.

Respectfully submitted,
DEFENDANT ACLOQUE,

Merita A. Hopkins
Corporation Counsel

By his attorneys:

/s/ James M. Chernetsky

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L.R. 7.1 Certification

Undersigned counsel certifies that pursuant to LR, D. Mass. 7.1(a)(2), he discussed this motion with Plaintiff's counsel Jessica Hedges, Esq. on November 17, 2005, via electronic mail, and that Ms. Hedges kindly assented to Defendant Acloque's request for additional time to file his responsive pleading.

Date: 11/18/05

s/ James M. Chernetsky
James M. Chernetsky, Esq.